

Article

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EPHEBAGOGY AND CLINICAL LEGAL EDUCATION.¹

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ABSTRACT

This article will seek to examine whether one of the reasons why Clinical Legal Education (CLE) is so effective as a teaching methodology is the age of the students participating in it. The perceived norm would be those students who are engaged in CLE will be predominantly aged between 18-25 years. The central thread of this article will examine ephebagogy as a teaching philosophy for educating this age group; discuss the main objectives of ephebagogy, and, explain how these align with CLE. This article will then explore whether ephebagogy can further enhance CLE as a teaching methodology and contribute to its ascendance to the forefront of legal education by drawing upon the accepted benefits of CLE and expand on the objectives and principles of ephebagogy as advocated by Sara Flowers.

KEYWORDS

Legal Education, Ephebagogy, Clinical Legal Education, Legal Clinic

¹ Acknowledgement is given for the inspiration of the title to Frank Bloch for his writings on andragogy and clinical legal education, Frank S Bloch, 'The Andragogical Basis for Clinical Legal Education' (1982) 35 Vand L Rev 321.

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INTRODUCTION

Even in an age of widening participation, it is not unsurprising that of the 1,597,810 students in higher education, studying for a first degree in the UK, in the academic year 2016/17 85.65% were aged 24 and under.³ Evaluation of statistics from Australia and Canada confirm a similar situation. In Australia in 2016 and 2017, 76.3% of students enrolled on a Bachelor's degree were 24 and under⁴ and in Canada 73.2% of students enrolled on a similar degree were also aged 24 and under.⁵ Examination of these statistics on the age range of students is of relevance to this discussion, as these students will be engaging in CLE and participating in law clinics.⁶

With the focus of this article being on the age of the student participants and the impact their age has on the effectiveness of CLE as a teaching methodology, ephebagogy as a teaching theory relevant to this age range of student will be used to argue why CLE should be at the centre of any law school curriculum. The seminal research undertaken by Sara Flowers will ground these arguments in the literature.⁷

Whilst Flower's work concentrated on education, there are high levels of relevance to

³[https:// www.hesa.ac.uk/news,11-01-2018/sfr/247-higher-education-student-statistics-/numbers](https://www.hesa.ac.uk/news,11-01-2018/sfr/247-higher-education-student-statistics-/numbers).

⁴ <https://www.education.gov.au/selected-higher-education-statistics-2016-student-data> and <https://www.education.gov.au/selected-higher-education-statistics-2017-student-data>.

⁵ <https://doi.org/10.25318/3710001501-eng>, Statistics Canada, Table37-10-0015-01 Postsecondary enrolments, by program type, credential type, age groups, registration status and sex.

⁶ The terms 'CLE' and 'clinic' and 'law clinic' will be used interchangeably within this article. Further the type of university law clinic in focus will be an in-house real-client, advice only clinic. For further information see H Brayne, N Duncan & R Grimes *'Clinical Legal Education Active Learning in your Law School'* (Blackstone Press Ltd, 1998), 12-13.

⁷ S M Flowers, 'A Philosophy for Teaching and Learning in Emerging Adulthood (2014) New Horizons for Learning Vol 11, No 1 Spring 2014, 1.

legal education and more particularly CLE. First, ephebagogy as a teaching and learning theory will be explained using Flower's definitions, followed by an evaluation of CLE as the most appropriate methodology to achieve the aims.⁸

Ephebagogy as a teaching philosophy

Nearly 40 years ago, Frank Bloch explored the andragogical basis for using the clinical method for teaching US law students.⁹ He discussed the concept of andragogy in modern education that had been summarised by Knowles as '*the art and science of helping adults learn*'.¹⁰ Andragogy as an adult centric education theory suited Bloch's analysis of CLE in American Universities, given that law is offered at post-graduate rather than at undergraduate level.¹¹ This is in contrast with the UK, where law can be studied at either level. However, this article will focus on undergraduate law students, the majority of who would not benefit from Knowles' andragogical basis for teaching given they are not an 'adult law student' but rather an 'emerging adult law student'.

⁸ CLE is 'learning through participation in real or realistic legal interactions coupled with reflection on this experience'. Kevin Kerrigan, 'What is Clinical Legal Education and Pro Bono?' in Kevin Kerrigan and Victoria Murray (eds), *A Student Guide to Clinical Legal Education and Pro Bono* (Palgrave MacMillan, 2011) 4.

⁹ Bloch (n1).

¹⁰ M Knowles, *The Modern Practice of Adult Education: from pedagogy to andragogy* (Cambridge, 1970) 38.

¹¹ Bloch (n1) wrote about andragogy and CLE in the context of US professional, legal education '*where law students are already graduates, have some life experience, are at least in their early twenties (often much older) and in many cases are already participating in the practice of law*' 325.

The term 'emerging adult' was used by Arnett when discussing a new conception for development, with a focus on the period between the ages of 18-25.¹² Emerging adults, do not identify as children, adolescents nor adults.¹³ There is evidence to support that emerging adulthood is a distinct period demographically and in terms of identity explorations.¹⁴ Demographic changes experienced in the western world, relating to marriage and parenthood have made a period of emerging adulthood typical for young persons in these societies.¹⁵

Within an educational setting, emerging adults are not served well by either pedagogy or andragogy. The reason being that in between childhood and adulthood lies an immense period of development which neither pedagogy and andragogy are the appropriate teaching and learning theories. There is a gap between full direction (pedagogy) at one end of the teaching and learning spectrum and self-direction (andragogy) at the opposite end.¹⁶ This gap between the two established teaching theories has been referred to as an 'estuary'.¹⁷ The existence of this gap has resulted in the need for ephebagogy as a teaching and learning theory designed to fill it. Ephebagogy recognises the specific needs of emerging adults. As such, ephebagogy and not andragogy would be the most appropriate educational basis for an

¹² J J Arnett, *Emerging Adulthood: A Theory of Development from the Late Teens through the Twenties* *American Psychologist* Vol.55 No 5, 469-480,

¹³ Ibid 471.

¹⁴ Ibid.

¹⁵ Ibid 470.

¹⁶ Knowles (n10) considers the change from dependent child to the self-directing adult to be the most important difference between children and adults as learners Bloch (n1) 330.

¹⁷ Flowers (n 7) 4

undergraduate UK law student. The importance of ephebagogy as a teaching theory for undergraduate law students can be evaluated by asking six questions:

- *What is ephebagogy?*
- *Who is affected by ephebagogy?*
- *When is ephebagogy relevant?*
- *Where can ephebagogy be used?*
- *Why is ephebagogy needed?*
- *How can the objectives of ephebagogy be addressed?*¹⁸

For the purpose of this article these questions will be answered within the context of UK higher education.

The first question of “*what is ephebagogy*” is answered by examining the construction of the word ephebagogy. Just as Knowles replaced the Greek stem *paid* with *andr*, here the Greek stem *ephebus* is used to create a word which is crudely interpreted as “*the leader of the adolescents*”.¹⁹ In an educational setting, ephebagogy has been described as a ‘*teaching philosophy for educating students who are between 18-24 years of age and experiencing a developmental shift and are in major transition between childhood and*

¹⁸ S M Flowers, ‘Ephebagogy – A white paper for educators and researchers,’ 27 April 2016, <http://samarandiflowers.weebly.com/guiding-works-ephebagogy.html>.

¹⁹ A youth of ancient Greece just entering manhood or commencing training for full Athenian citizenship.

adulthood.'²⁰ Logan has referred to ephebagogy as the '*missing link*' between pedagogy and andragogy.²¹

The answer to the second question of "*who*" has already been developed; these are students who are between the ages of 18 and 24 years old and are enrolled in secondary or tertiary education. They may or may not still live with their parents but they are frequently financially supported by them.²² They are experiencing a period of 'semi-autonomy', where they will take on some responsibilities of independent living but leave other responsibilities to their parents, the university or society.²³ They have left the dependency of childhood and adolescence but have not yet entered the enduring responsibilities that are normative with adulthood, such as homeownership, parenthood or permanent employment.²⁴ Even though undergraduate students can now have more complex caring and financial responsibilities arguably than previously experienced, the assumption is made that the majority will still not be experiencing the level of adult responsibility that is to come.

²⁰ Flowers (n 7) 1.

²¹ J P Logan, *Ephebagogy: The missing link between pedagogy and andragogy*. Conference presentation in preparation. School of Information Technology Management, Ryerson University, Toronto, Canada (2004).

²² Official statistics confirm this statement: the percentage of 24 year olds living with parents has increased by 11.9% to 41.7% from 1997 to 2017. Likewise, the percentage of 24 year olds owning their own home has decreased by 21.8% to 18.6% over the same period. Office for National Statistics, 'Milestones: journeying into adulthood' (2017).<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/articles/milestonesjourneyingthroughadulthood/2019-12-17>.

²³ Arnett (n12) 471.

²⁴ Ibid 469.

The third question of “*when*” becomes relevant when transition is experienced by this age group. No exact time frame can be given for when young people will transition from childhood to adulthood; some will transition earlier than others and some later and this article does not dare to offer any perspective from a biological, neurological, developmental or sociological basis.²⁵ For the purposes of education, this transition is the transition from further education to higher education.²⁶

The fourth question of “*where*” looks at where and in what setting ephebagogic theory can be used. The obvious outlets for an ephebagogic approach will be in higher education, where the aim of the university is not only to educate the student but also to develop the student as an individual. However, the application of this theory is not just limited to higher education; it can be used in work place settings where staff of this age range join workforce training programmes.²⁷ The question of “*why*” has already been answered in earlier discussions and will not be overtly scrutinised again. The need for a distinct teaching theory for those students that are between the accepted educational theories of pedagogy and andragogy is evident due to the learning needs of this group.

The final question is the most important aspect of this theory and where the link with CLE begins to emerge. When discussing the “*how*”, Flowers refers to the three aspects of *teaching*, the *environment* and the *objectives* as to how ephebagogy can be developed

²⁵ The specific chronologic age in this period is less important than the actual feature of the transition.

²⁶ Flowers (n18) 1.

²⁷ Flowers (n18) 1.

within teaching and learning strategies.²⁸ The three main aspects of *how* ephebagogy can be developed and delivered will now be explained , followed by an evaluation of how CLE can meet the requirements of an ephebagogically based programme of instruction for educating undergraduate law students.²⁹

2 THE THREE ASPECST OF EPHEBAGOGY

2.1 Teaching

The first aspect of *how* ephebagogy can be developed is *teaching* and focus is on the four principles of *relevance; revelation; responsibility* and *relationships*.³⁰ For ephebagogy to be effective the student must understand and appreciate their learning as *relevant*; they must be brought into the world.³¹ To achieve this objective, taught sessions have to be relevant to the student and bring the outside world into the classroom in which they are studying. This relevance can be achieved by students visiting places that reinforce classroom teaching; taking jobs in the fields that interest them or getting outdoors to see content in action.³² When the student understands the relevance of a learning activity or skill they should then experience the second principle of *revelation*.

²⁸ Flowers (n 18) 2.

²⁹ Bloch (n 1) 338.

³⁰ Flowers (n7) 5.

³¹ Ibid.

³² Flowers (n 7) 5.

This is closely linked to the first principle, as revelation should occur directly after the student understands the relevance of an activity. In the classroom, revelation occurs when the student is exposed to the truth about themselves and the world in which they operate.³³

After the student has undergone a revelation, they must take responsibility for their outcomes. Assuming responsibility is an integral part of the development and transition from childhood into being an adult. The student must be given choices to decide what they learn.³⁴ Ephebagogical theory does not support students having a passive role, or simply be provided with the answers to a problem. They are encouraged to ask questions, in order to fully complete their understanding of an activity.³⁵ The student then embarks on a learning journey accompanied by facilitators rather than teachers.³⁶ If followed correctly, this approach will elicit an emotional response from the student, which in turn will lead to greater engagement in the subject.³⁷

The fourth principle focuses on the importance of *relationships* in the learning process and the need for students to fully engage in these *relationships*. The *relationships* in

³³ 'I can see the connections and the relationships make sense' Flowers (n18) 2.

³⁴ Flowers (n 7) 5 goes even further to say that learners should be able to decide what type of assessment they undergo.

³⁵ Ibid.

³⁶ This method encourages students to find their own answers to legal problems, rather than just reading how others found answers. Students are required to use more advanced skills. J Eagar 'The Right Tool for the Job: The Effective Use of Pedagogical Methods in Legal Education' (1996) 32 Gonz L Rev 389, 405.

³⁷ Flowers (n 7) 5.

focus are those the student has with the 'work' and with others doing the 'work'.³⁸ These *relationships* help prepare the student for adulthood and can be achieved in the classroom by participating in activities such as discussion, debates and cooperation that allows the student to operate in ways that mirror participation in adult, democratic life.³⁹

When using CLE as the methodology in which to promote ephebagogy, some principles align more neatly than others. When looking at how CLE can facilitate the *relevance* of a learning activity, there are abundant examples over and above work undertaken in advice only law clinics.⁴⁰ It is also evident that the time a student spends in clinic is certainly *relevant* in the truest sense of the word and there is no better way of bringing the real world into an educational settings. If clinic students are allowed to examine issues that are not limited to a specific subject and where the answers are not always easily accessible from a textbook,⁴¹ they will also be able to undergo a *revelatory* experience in clinic by dealing with clients and situations involving risk, discomfort, struggle and conflict.⁴²

³⁸ Flowers (2014) at 2

³⁹ Flowers (2014) at 5

⁴⁰ One example would be participating in community outreach programmes such as that run by the University of Essex by which students offer advice to residents of Jaywick, which is the poorest community in the UK.

⁴¹ A M Lerner (1999), Law and Lawyering in the work place: Building Better Lawyers by Teaching Students to Exercise Critical Judgment as Creative Problem Solvers, 32 AKRON L Rev. 107, 116.

⁴² K Seear, L Bliss, P Galowitz & C F Klein 'Exploring the role of emotions in clinical legal education: inquiry and results from an international workshop for legal educators', The Law Teacher, 53:4 (2019), 487-499, 489

A high level of personal responsibility is required from students in order for CLE to function effectively. In clinic, the student advisor is given *responsibility* to decide on the most appropriate questions to ask in the client interview; followed by deciding upon the most effective research strategy to provide the correct advice to the client. Here, the student advisor is *responsible* (perhaps along with another student advisor) for considering all potential legal aspects that could apply to the client and their situation. A student engaged in CLE, should be confident to take *responsibility* for the research they have undertaken and the advice they give to the client.⁴³ Seear et al argue that '*CLE provides a unique opportunity for students to deeply engage with emotions, in part because emotions are experienced as a regular feature of clinics.*'⁴⁴ By engaging with a real-life client or scenario an emotional response should have been elicited from the student.⁴⁵

Student advisors are forced to notice how their actions (or inactions) impact on their *relationship* with the relevant clinic stakeholders and the student is required to deal with the consequences and ramifications.⁴⁶ The consequences felt by the client, advice partner and clinic in general are not easy to ignore given the human interest involved

⁴³ Student supervisors should be asking '*am I ok signing my name*' in the context of a client advice letter. Flowers (n 18) 2.

⁴⁴ Seear et al (n 42) 489

⁴⁵ 'The students' experience with human problems in the law clinic always has the potential of being emotionally real. The student is directly involved in a case and can explore its social and psychological implications in as great a depth as his motivation allows.' Bloch (n1) 342.

⁴⁶ An example would be when a student does not fully engage with the client and the process and the resulting advice is late, incomplete or worse inaccurate.

in the process. Clinic is very much a '*two-way street*'⁴⁷ and the *relationships* that students have with supervisors and clients is one of the most central and important aspects of effective clinical teaching.⁴⁸

2.2 Environment

The second principle of "*how*" is the *environment* that students learn in. For ephebagogy to be effective, the *environment* of the target learning activity or skill must include the *unfamiliar*, *opportunity*, *teamwork* and *protection*⁴⁹ The learning environment must be designed to allow the student to explore activities, settings, interactions and cultures that are *unfamiliar* to them.⁵⁰ Students must be given the *opportunity* within the classroom environment to test their current interests; explore new interests, discover unknown interests and also feel supported to abandon interests if they choose. This also reinforces the theory that experiencing the *unfamiliar* is again part of the transition to full adulthood. A goal of the target learning activity should be to organise learning around relationship building and encourage and develop *teamwork* and camaraderie between students and lecturers.⁵¹

⁴⁷Bloch (n1) 338.

⁴⁸ Sears et al (n 42) 491.

⁴⁹ Flowers (n 18) 2.

⁵⁰ Ibid

⁵¹ Ibid.

One of the differences between childhood and adulthood is the acceptance of responsibility.⁵² At some point during this transition period, the student must start to accept full responsibility for their actions.⁵³ Indeed, it is accepting responsibility for one's self and the making of independent decisions that Arnett considers to be the top two criteria for the transition from childhood to adulthood.⁵⁴ Responsibility in ephebagogy is supported by developing a teaching environment that protects the student from calamitous consequences, yet still maintaining their autonomy.⁵⁵ Thus, allowing the student to try new skills and test these skills in an adult environment, without fear of recrimination. Incorporating failure into the classrooms, ensure that students are more invested in understanding the problems that they are trying to solve.⁵⁶

For a student engaging with CLE, principles of *environment* map neatly against the expected outcomes of clinic. For instance, CLE can certainly introduce students to the *unfamiliar* as they experience the activities, settings, interactions and cultures that present themselves in clinic. The issues that clinic clients present with often do not

⁵² This is not a discussion on the legal right afforded to individuals over the age of majority. Rather it is emotional maturity and acceptance of responsibility from this perception that is being examined.

⁵³ This would echo the gradual release of responsibility instructional framework, which purposefully shifts the cognitive load from teacher to student. Through the process of gradually assuming more and more responsibility for their learning the student becomes a competent and independent learner. D Fisher & N Frey, '*Better learning through structured teaching, a framework for the gradual release of responsibility*', (2nd ed) 2014 ASCD, 2.

⁵⁴ Arnett (n12) 473.

⁵⁵ Flowers (n18) 2.

⁵⁶ M Fuglei, 'Why students who embrace short-term failure have a better shot a long-term success', education.cu-portland.edu/blog/classroom-respources/student/failure

follow the law curricula; students are often asked to advise on topics which do not form the content of credit bearing modules. In this situation, the student cannot say to the client “*I’m sorry but I haven’t studied this subject yet, can you come back next year?*” The student must immerse themselves in this *unfamiliar* subject in order to advise the client. The immersion in the *unfamiliar* also allows for the student to test their interest in an area of the law not covered by their law degree.⁵⁷

There are strong parallels between *teamwork* undertaken within clinical teaching and the *relationships* developed. For a student to be successful on a CLE module or to excel in clinic, they cannot work in isolation; *teamwork* is one of the core principles of CLE.⁵⁸ In an advice only clinic, students can only achieve the outcome of timely and accurate advice by working closely and effectively as a team with the other students in clinic, with their supervisor, with the client and perhaps with external bodies.

For the student engaging in CLE, there is always the “safety net” of their supervisor to allow for responsibility to flourish and to offer a form of *protection*. If all the correct clinic procedures are followed, a client will never be given incorrect advice or prejudiced in any way due to the failings of a student advisor. The supervisor is there

⁵⁷ For example, a student may feel they are destined for a career in commercial legal practice, yet participating in a family law clinic may completely change their mindset. There is also the opportunity for the student to experience whether they have a liking for the law at all.

⁵⁸ Weinstein & Morton refer to ‘collaborative intelligence’ in the context of practising lawyers but the same can be applied to students involved in law clinics. J Weinstein & L Morton, ‘Knowledge of and comfort with collaborative work, results in more effective client outcomes’. In L Wortham, A Scheer, N Maurer, S L Brooks ‘*Learning from Practice, A text for experiential legal education*’ (West Academic Publishing, 2016) 3rd Ed, 428.

to also *protect* the interests of the client, even if this means the supervisor must re-write advice before it is sent out. This allows the student to focus on understanding the problem posed by the client.

2.3 *Objectives*

The objectives of the ephebagogical method are: *resilience*, becoming a more *self-directed* learner, *relationship skills*, *independence* and *defining passion*.⁵⁹ Looking at the first objective, the student is to be encouraged to build *resilience*.⁶⁰ Whilst failure in summative assessments is not the desired outcome, students must be given the opportunity to fail and then retry at numerous points. For students to develop their *resilience*, they must be given this opportunity to fail in a safe and supported environment.

As already discussed at length, one of the main differences between pedagogy and andragogy is the extent of self-directed learning the student undertakes. With ephebagogy, students are being encouraged to develop self-directed learning at every opportunity.⁶¹ Flowers describes the need for students who '*are not simply sojourning*

⁵⁹ Flowers (n 18) 2.

⁶⁰ Flowers (n 7) 5 gives the example of WD-40 lubricant (WD-40 2012). That #40 was the formula that was successful 5.

⁶¹ For the purposes of this article, self-directed learning is distinguishable from independent learning; with the latter being learning occurring outside of a taught session but that still encompasses an element of direction. For example, further but not essential reading. Self-directed learning is where a learner has no guidance or instruction and has to be completely self-reliant in their learning journey.

in our society' rather students must be allowed to take an active role in making a difference in society.⁶²

One of the *objectives* of ephebagogic curriculum design should be that students are afforded multiple opportunities to develop their *interpersonal skills*. Whilst there are obvious similarities with teamwork and encouraging activities that include teamwork, the focus here is on the ability students have to relate with others rather than actually working with them.⁶³ Due to the 'sweeping demographic shifts' that have taken place over the last century, this generation's emerging adults have not had to contend with the same pressures and occurrences that previous generations had to.⁶⁴ Students also need opportunities to develop their empathy skills, which they may not have previously used.⁶⁵

Finally, emerging adults should be given the opportunity to '*define their passion*'.⁶⁶ Not much further detail is added for this *objective*, however this could be interpreted as allowing students to experience their intended career. In Melissa Hardee's 2014 study, her findings revealed that over 70% of law students surveyed were studying law with

⁶² 'These students will eventually be citizens that raise children, labor (sic) with their hands and vote for leaders, inform their neighbours, care for their environments and leave the world greayer when their lives are over'. Flowers (n7) 4.

⁶³ Admittedly, a learner with excellent inter-personal skills would be expected to be an excellent team player.

⁶⁴ Arnett (n12) 469.

⁶⁵ Seear et al (n 42) 498.

⁶⁶ Flowers (n 7) 2.

the intention of entering a career in the legal profession.⁶⁷ This percentage is contrasted with the generally accepted figure of 40-50% of law graduates who actually enter the legal profession..⁶⁸ Something is clearly happening over the three or four years of an undergraduate law degree that causes the percentage to drop. The answer could be that these students are not given the opportunity to *define their passion*, within their undergraduate studies and experience life as a lawyer.

Resilience is a skill that requires development and the learning experience created by CLE is perfectly suited to subtly building and developing resilience in students. This development is achieved by students experiencing an emotional reaction in clinic, as they are developing their own capacity to protect themselves and therefore develop their resilience.⁶⁹ Resilience is also developed in CLE with students being directly responsible for acting upon the feedback they have been given in an advice letter by their supervisor. Their resilience is subtly developed through engaging with the critique of the letter given by the supervisor and the subsequent amendments required before it is sent to the client.

⁶⁷ Career expectation of Students on Qualifying Law Degrees in England and Wales: Interim report: Comparing the first year of the cohort study in 2012-2013 with the UKCLE study March 2012', Melissa Hardee, Hardee Consulting (2014)

https://www.heacademy.ac.uk/system/files/resources/hardee_interimreport_2014final.pdf 13.

⁶⁸ Ibid 35.

⁶⁹ Seear et al (n 42) 498.

The development of *self-directed* learning is encouraged in CLE, as the classroom becomes a '*mutual search for solutions and knowledge*'.⁷⁰ Again this reinforces the clear distinction between andragogy and ephebagoogy, with the former firmly establishing self-learning and the latter working towards it. In CLE this is evidenced by clients presenting themselves with issues that may not map neatly to module learning outcomes. In order to advise the client, the student needs to go beneath the surface of their current knowledge and embrace new areas or law and procedure.

CLE allows and encourages *independence* of thought to develop because it is delivered in a manner that does not necessarily prescribe definitive answers to the problems posed. The student has to think outside the ideals of "model answers" and consider all potential solutions or advice available the client.⁷¹ It is acknowledged that some students have led sheltered lives and CLE has the ability to draw these students out of their perceived comfort zone and allow them to interact and empathise with all sections of society.

CLE not only allows for students to experience the practise of lawyering but also to experience various matters of law and policy. Students are permitted to experience the roles and responsibilities of a solicitor within the safe confines of the clinic. Students can experience this quasi-employment aspect of budding citizenship, which

⁷⁰ G Bellows & E Johnson, 'Reflections on the University of Southern California Clinical Semester', 44 S. Cal. L. Rev. 664, 694.

⁷¹ The author is reminded of an anecdote (credit unknown) that neatly sums up the idea of independence of thought. '*twelve lawyers given identical documents will amend them in twelve different ways*'

affords them the opportunity of being able to *define what their passion* is (or not). The most in demand subjects for clinics are those which are often absent from the choice of modules in law schools.⁷² The ability for students to experience these subjects is now of greater importance, with the introduction of the Solicitors Qualifying Exam that does not have a private client focus. The role of the clinic can also be extended to allow these emerging adults to *define their passion* in these subjects.

Conclusion

In order to fulfil the potential of students classed as emerging adults, ephebagogy is the only teaching methodology which adequately supports and develops this group and should be engaged and utilised within higher education. Otherwise, arguably, educators could be accused of setting these students up to under achieve or even fail. This article has shown how ephebagogy can serve as a 'coherent theoretical background for a methodology based justification both for the clinical method of legal instruction and the addition of a clinical component to the law school curriculum.'⁷³ Given the constant battles that clinicians fight to get CLE at the fore front of the law curricula, the core principles of ephebagogy must strengthen the argument for further integration. Ephebagogy as a teaching philosophy, together with CLE as a teaching methodology, show that the core student audience will experience greater learning through CLE not just because of the experiential style of teaching but also because of

⁷² For example welfare law, housing law.

⁷³ Bloch (n1) 325. Even though Bloch was writing in the context of andragogy and CLE, the sentiment applies equally to ephebagogy and CLE.

teaching is appropriate to their stage of transition at the time of the learning experience.

Flowers asked the question in her work, *'What are the best teaching methods and the best practices for drawing out the qualities in young people that will make them fully fledged, contributing members of society?'*⁷⁴ This article has confirmed the answer to that question in the context of undergraduate law students, is Clinical Legal Education; the pedagogies, practice and performance.⁷⁵

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⁷⁴ Flowers (n 7) 4.

⁷⁵ L S Shulman, 'Signature pedagogies in the professions', *Daedalus*, Summer 2005, 134,3 55.